

# Direct Final Process for Deletions and Partial Deletions

*Updated October 2002*

## **Purpose**

This factsheet provides the Regions with details on the streamlined process for deleting sites from the National Priorities List (NPL). Under this process, sites and portions of sites will be deleted from the NPL using the direct final notice procedure.

## **Background**

In November 1999, a Policy Document (OSWER Directive 9320.2-09B-FS-P) was issued to give the Regions an alternative streamlined process for deleting sites. This Policy has been in place for nearly three years, and has been utilized successfully in several Regions. This process is also available for use in partially deleting portions of sites. The streamlined procedure reduces the amount of time it takes to finalize a deletion action.

## **Guidelines for Usage**

In general, the Agency believes that the direct final procedure is appropriate for sites where deletion is expected to be noncontroversial and no one is expected to submit adverse comments during the comment period. The Agency's experience in deleting sites from the NPL bears out the noncontroversial nature of the process.

In the rare instance where adverse comments are expected, the direct final approach should not be used. Instead the traditional process used to ensure public involvement in deleting sites should be utilized. (See 40 CFR 300.425(e)(4)).

The streamlined procedure is as follows:

- ▶ Regions should coordinate their efforts with the appropriate HQ Regional Coordinator (RC) before using this process. Draft notices should be submitted to HQ RC for review and comment.
- ▶ Regions are required to prepare two notices. These notices are submitted, and published in the Federal Register (FR) as follows: 1) a notice of intent to delete the site; appears in the "Proposed Rules" section, and 2) direct final notice of deletion appears in the "Rules and Regulations" section.
- ▶ The direct final deletion notice indicates the effective date of deletion and explains the direct final deletion process.
- ▶ Both notices, (notice of intent to delete and direct final deletion Notice) (submitted on separate computer disks) are forwarded to Vickie Reed, (Mail Code 1806A), 1200 Pennsylvania Avenue, NW, Washington DC 20460, for approval and publication in the FR. Her telephone number is (202) 564-6562.
- ▶ If no adverse comments are received, the direct final deletion notice will generally become effective 30 days from the end of the comment period (i.e., generally at least 60 days after publication). The effective date should be at least 30 days after the end of the 30 day minimum public comment period to allow sufficient time to withdraw the direct final notice of deletion before it becomes effective in the event that adverse comments are received on day 29 or 30 of the comment period.
- ▶ If adverse comments are received, the Region must issue a timely notice in the FR withdrawing the direct final notice of deletion and inform the public that the deletion will not take effect. This withdrawal notice must be published in the FR before the effective date of the final deletion notice, and the Regions then must utilize the traditional 2-Step process for deletions.
- ▶ The streamlined deletion process has been used to successfully delete more than 30 sites from the NPL. A small sampling includes:
  - Dutchtown Oil Treatment (Region 6)
  - Laskin Poplar (Region 5)
  - Palmetto (Region 4)
  - Monticello (Region 8)
  - Renora, Inc. (Region 2)
  - Luke AFB (Region 9)

Templates for direct final deletion notices are available at:  
[http://www.epa.gov/superfund/programs/npl\\_hrs/tempdel.pdf](http://www.epa.gov/superfund/programs/npl_hrs/tempdel.pdf)